

6-174
January 20th, 1939

Hon. Jas. W. Strawn, County Attorney
Raymondville, Texas

Dear Sir:

Opinion No. O-174
Re: Justices of the Peace
holding more than one office

Your request for an opinion as to whether a person can hold the office of Justice of the Peace and Deputy Sheriff at the same time, has been received by this office.

While Article 16, Section 40 of the Constitution of Texas makes an exception in favor of the Justice of the Peace, as to holding more than one office of Civil Emolument, we do not think this provision applies when the offices are incompatible, 50 S.W. (2d) 373, Eagle et al, vs. Glenrose Independent School District and Article I, R.C.S. of Texas.

It is not necessary to list the duties of a Justice of the Peace or those of a Deputy Sheriff because there is no doubt but that there would be a conflict or that the two offices would be inconsistent with each other and would be incompatible.

It is, therefore, our opinion that a person cannot hold the office of Justice of the Peace and Deputy Sheriff at the same time.

Yours very truly

ATTORNEY GENERAL OF TEXAS

RHC:ob

APPROVED:

Gracel. Mann
ATTORNEY GENERAL OF TEXAS

By

H.A.B.

Richard H. Cooke

Assistant